

Virginia Manufactured Housing Board  
Minutes  
May 20, 2004

Board Members Present: James W. Roncaglione, Chairman  
Walter K. Hughes, Sr., Vice Chairman  
Ava Lewis  
William H. Moody  
Michael C. Nickell  
E. Thomas Satterwhite  
William B. Toombs

Board Members Absent : Roger L. Mitchell  
Ida O. McPherson

Public Representatives : Ron Dunlap, Executive Director, VAMMHA  
William A. Diamond, Assistant Attorney General, AG's Office

A. Call to Order/Roll Call/Determination of a Quorum.

Chairman Roncaglione called the Virginia Manufactured Housing Board meeting to order at 10:10 A.M. Curtis L. McIver, Secretary to the Board did the Roll Call and a Quorum was present.

B. Approval of the Minutes.

The Virginia Manufactured Housing Board Minutes were accepted as presented. A motion was made by William H. Moody and second by Michael C. Nickell to accept the Minutes as presented. Chairman Roncaglione called the question and Aye's carried the vote.

C. Public Comment.

Ron Dunlap – South Carolina either proposed or passed a law that defines a new manufactured home. In Virginia, a new manufactured home is one that has not been titled. South Carolina's law states that if the original dealer goes out of business and the home is resold to another dealer or an auction company and it is more than two and half years old from date of manufacturer shall be considered a used home. Whoever sells it has to notify the consumer when they buy it that it is a used home being sold as is condition and establish warranty as agreed upon at that point in time. My Board discussed this at length and decided that it would be worthwhile for me to seek legislation for the 2005 session to have a similar amendment made to Virginia's definition of what a new manufactured home is.

Walter K. Hughes, Sr. – One clarification. For multi-lot operations, transferring one home from one lot to another does not apply. We are talking about separate entities, rather than internal lot exchanges.

D. Committee Reports.

None.

E. Report of the Secretary.

### 1. Licenses and Recovery Fund Reports.

The cash balance in the Licensing Account is \$35,269.04. The cash balance in the Transaction Recovery Fund Account is \$859,823.10.

### 2. Installation Training Program.

Eight training program were provided throughout various areas in the State of Virginia. A total of 216 people attended. Fifteen out of the 216 were industry people. Good feedback and evaluations were received from those who did attend. Due to the low turn out from the industry, the article to be printed in the Old Dominion Outlook will cover various training aspects that were covered during presentation.

### 3. Proposed amendments to the Regulations.

The proposed amendments to the Regulations are being worked on.

### F. Unfinished Business.

#### 1. Hassell & Debra Underwood vs. Double D. Homes (Closed Dealer).

Case closed. The payment has been processed out of the Transaction Recovery Fund.

The Virginia Manufactured Housing Board took a 10-minute break.

Chairman Roncaglione – The Virginia Manufactured Housing Board meeting is back in session at 11:12. A.M.

#### 2. Catherine Portman vs. Colonial Homes.

Walter K. Hughes, Sr. – Mr. Chairman, I move that this meeting be recessed and the Board immediately reconvene in Executive closed meeting for the purpose of consultation with legal counsel and briefing by staff members and attorneys pertaining to actual or potential litigation or other legal matters within the jurisdiction of the Board as permitted in Section A, Paragraph 7 of Section 2.2-3711.A7 of the Code of Virginia. This motion is made with respect to the case identified as: (1) Portman vs. Colonial Homes and the Manufactured Housing Board.

The following staff members are to remain in this Executive Closed Meeting: Alan McMahan, Lorenzo E. Dyer, Constance A. Randolph, William A. Diamond and Curtis L. McIver.

Chairman Roncaglione – May I have a second.

William H. Moody – So move.

Chairman Roncaglione – All of those in favor of closing this meeting for Executive Session, say Aye.

Aye's carried the vote.

Chairman Roncaglione -- We will close this meeting and go into Executive Session.

Chairman Roncaglione – The Virginia Manufactured Board meeting is now back in session. We ask the Secretary to the Board to call the roll.

End of Executive Session

Curtis L. McIver – The Board will now reconvene an open session with roll call to acknowledge those present. By answering yes to the roll call, Board members will be certifying that to the best of their knowledge, only public business matters lawfully exempted from open meeting requirements were discussed or considered and that only such public business matters as were identified in the motion by which the Executive Closed meeting was convened were heard, discussed or considered in the closed meeting. Any member who believes that there was a departure from the aforementioned conditions shall state prior to the roll call indicating the substance of the departure that in his/her judgment has taken place.

Chairman Roncaglione – Yes.

Vice Chairman Hughes – Yes.

Mrs. Lewis – Yes.

Mr. Nickell – Yes.

Mr. Toombs – Yes.

Mr. Moody – Yes.

Mr. Satterwhite – Yes.

Chairman Roncaglione – Do I have a motion?

Walter Hughes, Sr. – Yes, Mr. Chairman. I have a motion. The motion is that the Board has a request to change hearing officers and ask the Supreme Court Clerk to make the replacement of Mr. Urchie Ellis to someone else.

Chairman Roncaglione – Do I have a second?

William H. Moody – Second.

Chairman Roncaglione – Is there further discussion?

Response: No further discussion.

Chairman Roncaglione – All of those in favor, say Aye.

Aye's carried the vote.

Chairman Roncaglione – We will ask the Clerk of the Supreme Court to replace Mr. Ellis.

Mr. Diamond will prepare documentation to execute the change.

### 3. Elizabeth Conn vs. Colonial Homes.

William J. Duran, III, is the Hearing Officer for this case. He has contacted staff requesting coordination of the meeting, date, location and time for this case. At present, we have a pre-conference hearing set for June 11, 2004, at 12 Noon at DHCD. Our assigned attorney is Mr. Halbleib.

Mrs. Conn has requested that Mr. Sam Loftis, who has been involved in her case throughout its existence, represent her. Mrs. Conn is out of the country and may not be back in time for the pre-conference hearing, but Mr. Loftis will be present at the hearing. The Hearing Officer said it is fine with him, if that is what Mrs. Conn chooses to do. This case is scheduled to be heard on July 14, 2004, at 10:00 A.M. at DHCD.

4. L. Steven DuVal vs. Vicki's Homes, Inc.

Staff needs documentation of complaints. Staff will try to get additional information by sending letters to those individuals who sent in forms of complaint. Staff will indicate in the letter that the Board reviewed the allegations and that they do not fall under the jurisdiction of the Board.

5. Ms. Betty Russell vs. Oakwood Homes.

After review of documentation, a motion was made by Walter K. Hughes, Sr. and second by William H. Moody to table this case until the Henrico County Court actions are defined.

Chairman Roncaglione – Is there further discussion?

Response: No further discussion.

Chairman Roncaglione – All of those in favor, say Aye.

Aye's carried the vote.

6. Pending Items – Appeals filed to Circuit Courts.

- a. Brenda Washington vs. Colonial Homes. – Tabled. Robert Sievers of the AG's Office has filed a counter proposal to the final order that Mr. Gravitt drafted asking for attorney's fees. Mr. Sievers has not received a response.
- b. Ronald Morehart vs. Blairs Housing and Liberty Homes. – No change in status.
- c. Christine White vs. Colonial Homes – No change in status.
- d. License application from John C. Witcher, Jr. – A Gem Homes – No change in status.
- e. John and Geraldine Brain vs. Manufactured Housing Board – No change in status.

7. Completed Agenda Items.

- a. Renae Marshall vs. Millennium Homes – Closed. Payment has been processed.
- b. Brigitte Bullock vs. American Homestar Corp. – Closed. Payment has been processed.

G. New Business.

1. Lois D. Palmer vs. Basis Homes, Hayes, Virginia.

After some discussion, the Board agreed to reimburse Mrs. Palmer the amount of \$1,210.00 paid to Basis Homes, Hayes, VA, twice for Certificate of Title to her home. This was put in the form of a motion by Walter K. Hughes, Sr. and second by Michael Nickell. This is to be charged against the dealer.

Chairman Roncaglione – Is there further discussion?

Response: No further discussion.

Chairman Roncaglione -- All of those in favor, say Aye.

Aye's carried the vote.

Further, the Board instructed staff to forward documentation of payment to the Commonwealth Attorney's Office for prosecution against Basic Homes, Hayes, Virginia and John C. Witcher, Jr.

This was in the form of a motion by Walter K. Hughes, Sr. and second by E. Thomas Satterwhite.

Chairman Roncaglione – Is there further discussion?

Response: No further discussion.

Chairman Roncaglione – All of those in favor, say Aye.

Aye's carried the vote.

## 2. Barry W. Guthrie vs. Larry's Homes of Virginia, Roanoke, Virginia.

After the some discussion, it was decided by the Board to pay the following breakdown.

1. Moving manufactured home at a cost of	\$750.00
2. Block, dig footers, shims	\$545.00
Labor (three men)	\$600.00
3. Heat pump installation	<u>\$1,750.00</u>
Total of Reimbursement	<u>\$3,645.00</u>

Chairman Roncaglione – May I have a motion?

William B. Toombs – I make the motion to pay the amount with Item 3 being paid in the amount of \$1,750.00.

Chairman Roncaglione – May I have a second?

William H. Moody – Second.

Chairman Roncaglione – Is there further discussion?

Response: No further discussion.

Chairman Roncaglione – All of those in favor, say Aye.

Aye's carried the vote.

## 3. Edward Callahan, III vs. Quality Homes and Clayton Homes.

After review of the documentation, the Board agreed that this manufactured home is out of warranty. A motion was made by Walter K. Hughes, Sr. and second by William C. Moody to deny the full claim and close the case.

Chairman Roncaglione – Is there further discussion?

Response: No further discussion.

Chairman Roncaglione – All of those in favor, say Aye.

Aye's carried the vote.

#### 4. Connie L. Rowan vs. Millennium Homes.

The manufacturer has completed repairs according to the Board's instruction. The remaining item(s) concerns the set-up of the manufactured home. A motion was made by William H. Moody and second by Walter K. Hughes, Sr.

Chairman Roncaglione – Is there further discussion?

Response: Yes.

Lorenzo E. Dyer – I have been informed by the Rowans that Mr. Dickerson is still in the business of selling manufactured homes. The Rowans gave names, locations of where homes had been sold, and setup by Mr. Dickerson to me.

Walter K. Hughes, Sr. – Contact the customer asking where did you purchase your home.

Chairman Roncaglione – If there is no further discussion, I now call the question.

All of those in favor, say Aye.

Aye's carried the vote.

#### 5. Recommendations by Mr. Diamond on informal fact-finding conferences and hearings process.

It was recommended by Mr. Diamond, Assistant Attorney General, that when a case is being investigated, staff and Board Member attempt to have licensee sign off for either an informal fact-finding conference or hearing. It is not necessary to hold both. Mr. Diamond stated he would draft language for the Board's use in this matter.

M

#### H. Next meeting date and location.

The next meeting of the Virginia Manufactured Housing Board is scheduled for Thursday, June 17, 2004, at the Department of Housing and Community Development, the Jackson Center, 501 N. 2<sup>nd</sup> Street, 1<sup>st</sup> Floor Board Room, Richmond, VA 23219. Telephone No. (804) 371-7160.

I. Adjournment.

The Virginia Manufactured Housing Board Meeting adjourned at 2:45 P.M.